

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MICHAEL ALLEN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 2:06-cv-879-WKW-WC
)	
UNITED STATES OF AMERICA,)	
)	
)	
Defendant.)	

WALLACE MONTGOMERY, et al.)	
)	
Plaintiffs,)	
)	Civil Action No.: 2:06-cv-880-WKW-WC
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

DEFENDANT UNITED STATES' WITNESS LIST

Comes now Defendant, United States of America, by and through its undersigned counsel, and hereby submits this witness list pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure and this Court's Order of December 21, 2006:

1. At the trial of this cause, Defendant expects to call:

- a. Bertha G. Moore
Secretary to the United States Attorney
Middle District of Alabama
131 Clayton Street
Montgomery, AL 36104
(334) 223-7280

- b. Ralph Cunningham (Expert)
ACTAR-Accredited Motor Vehicle Accident Reconstruction
1804 Thornhill Pass, S.E.
Conyers, GA 30013
(770) 918-0973
- c. Keith Weaver, M.D. (Expert)
Birmingham Bone and Joint Surgeons
924 Fulton Avenue, S.W.
Birmingham, AL 35211
(205) 786-0315
- d. A person to be named later as Defendant's expert and independent medical examiner for Wallace Montgomery.

2. **The Defendant reserves the right to call the following persons:**

- a. All witnesses identified on Plaintiffs' witness list.
- b. Any witnesses needed for purposes of rebuttal or impeachment.

//

//

//

//

//

//

//

//

//

//

//

//

Defendant reserves the right to update this list by adding additional witnesses or deleting witnesses prior to trial.

Respectfully submitted this 15th day of January, 2008.

JEFFREY S. BUCHOLTZ
Acting Assistant Attorney General

PHYLLIS J. PYLES
Director, Torts Branch
Civil Division

GAIL K. JOHNSON
Senior Trial Counsel, Torts Branch
Civil Division

By: /s/ Conor Kells
CONOR KELLS
Trial Attorney, Torts Branch
Civil Division
Attorneys for Defendant
Post Office Box 888
Benjamin Franklin Station
Washington, D.C. 20044
Telephone No.: (202) 616-4273
Facsimile No.: (202) 616-5200
E-mail: conor.kells@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing upon counsel for Plaintiffs by electronic filing, CM/ECF, and by mailing a copy of same, first-class, postage-prepaid, addressed:

Annesley H. DeGaris
Attorney for the Allen Plaintiffs
Cory, Watson, Crowder & DeGaris, P.C.
2131 Magnolia Avenue, Suite 200
Birmingham, Alabama 35205

J. Callen Sparrow
Attorney for the Montgomery Plaintiffs
Heninger Garrison Davis, L.L.C.
P.O. Box 11310 (35202)
2224 1st Avenue North
Birmingham, Alabama 35203

Dated this 15th day of January, 2008.

/s/ Conor Kells
Trial Attorney, Torts Branch
Civil Division